mony, and that the defendant had first postponed and then refused to go through with the religious ceremony. *Held,* plaintiff was induced to enter into a marriage with the defendant "solely by reason of his false and fraudulent misrepresentations," and that she was entitled to a decree adjudging the marriage null and void. *Rubinson* v. *Rubinson* (Sup. Ct., 1920), 181 N. Y. S. 28.

Schacter v. *Schacter* (1919), 178 N. Y. S. 212, is a decision apparently squarely the other way. The *Schacter case* is discussed *supra,* p. 243.

MUNICIPAL CORPORATIONS—CORPORATE FUNCTIONS—LIABILITY FOR TORTS OF FIREMEN.—Plaintiff's testate died as the proximate result of injuries sustained by being struck by defendant's city fire hose truck, operated negligently by defendant's servants. Upon demurrer it was *held* that plaintiff could recover. *Fowler* v. *City of Cleveland* (Ohio, 1919), 126 N. E. 72.

It is well-settled law that when a municipal corporation exercises a purely governmental function no liability attaches to it for its torts. *Hill* v. *Boston,* 122 Mass. 344. This principle is admitted everywhere except in the admiralty tribunals of the United States. *Workman* v. *New York City,* 179 U. S. 552; see 5 MICH. L. REV. 275. The courts are, nevertheless, not in accord as to what functions come within the scope of this term. Among the acts which are almost universally admitted to be public or governmental are those of its police officers (*Lafayette* v. *Timberlake,* 88 Ind. 330); of its officers and agents in the maintenance, repairing, or management of a city hall used for city business (*Snider* v. *St. Paul,* 51 Minn. 466; cf. *Little* v. *Holyoke,* 177 Mass. 114, and *Wilcox* v. *Rochester,* 190 N. Y. 137); of those engaged in the duty of erecting and maintaining public schools (*Hill* v. *Boston, supra; Kinnare* v. *Chicago,* 171 Ill. 332; *contra, Higbie* v. *N. Y. Board of Education,* 122 N. Y. App. Div. 483); and of health officers (*Webb* v. *Detroit Bd. of Health,* 116 Mich. 516). Likewise, the prevailing rule is that municipal corporations are not liable for injuries occasioned by negligence in using or keeping in repair the fire apparatus owned by them. *Wilcox* v. *Chicago,* 107 Ill. 334. With this case compare *Kies* v. *Erie,* 169 Pa. St. 598. See also the text and cases cited in DILLON, MUN. CORP. [5th Ed.], Sec. 1660. In the instant case the Ohio court expressly overruled its previous holding in *Frederick* v. *Columbus,* 58 Oh. St. 538, and, by implication, the one in *Wheeler* v. *Cincinnati,* 19 Oh. St. 19, on the ground that the act complained of was purely ministerial. It is believed that Justice Wanamaker, who concurred in the result only, is correct when he contends that the act was done in the exercise of a governmental function; and it is submitted that, while the result reached may be a salutary one from the plaintiff's viewpoint, the decision is a glaring example of judicial legislation and in conflict with the well-known principle of *stare decisis.* See also the note in 17 MICH L. REV. 503.

PARTIES—JOINDER OF DEFENDANTS IN TORT ACTIONS.—Six mining companies severally caused refuse to be discharged into a stream, thereby injuring the lands of a lower riparian owner, who joined them as defendants in